



Practitioner's Docket No. 2731/103

TFW
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Michael D. Mason
Application No.: 10/767,637
Filed: 01/29/2004
For: Method for Graftless Spinal Fusion

Group No.: 3732
Examiner: Reimers, Annette R.

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

DECLARATION

2. Enclosed please find a Declaration in Support of Applicant's Response.

STATUS

3. Applicant is a small entity.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

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deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.10*

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Mailing Label No. _____ (mandatory)

TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (703) _____.

Signature

Date: June 6, 2005

John L. Conway

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

EXTENSION OF TERM

4. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

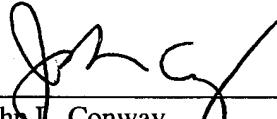
FEE FOR CLAIMS

5. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY				
CLAIMS							
REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA					
TOTAL	4 -	20	=	0	x	\$	25.00
INDEP.	1 -	3	=	0	x	\$	100.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+	\$	0.00	= \$ 0.00
				TOTAL ADDIT. FEE		\$	0.00

No additional fee for claims is required.

Date: June 6, 2005



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mason Atty Dkt: 2731/103

Serial No: 10/767,637 Art Unit: 3732

Date Filed: January 29, 2004 Examiner: A. R. Reimers

Invention: Method for Graftless Spinal Fusion

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 6, 2005.


John L. Conway

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE C

Dear Sir:

In response to the Office Action mailed on March 24, 2005, Applicant responds as follows.

In the claims:

Please cancel claim 3.

This listing of claims will replace all prior versions of claims and listings of claims in the application:

What is claimed is: